

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 1139 OF 2003

IN

SUMMARY SUIT NO. 3607 OF 2001

Bombay Chemicals P.ltd	Plffs.
VS.	
A.L. Kasture	Defnds.

Ms. Mamta Sadh a/w. T.L. Tripathi, advocate
for the plaintiffs.
Mr. M.D. Angal, advocate
for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 6th September, 2005.

P.C. :.

1. The present suit is filed in respect of the agreement under which the defendants have sold the goods for further distribution. The defendants has received the said goods. However the defendant contends that the signature produced by the plaintiff on the Lorry receipt from transporter is

not his signature. I am unable to accept the said contention. The document coming from a third party custody cannot be rejected merely on the ground that the defendant is disputing his signature. The said document is taken on record and marked 'X' for identification.

2. In view thereof unconditional leave to defend is granted. Defendants are directed to deposit a sum of Rs.20.00 lacs within four weeks in this court failing which the plaintiff will be entitled to the decree. The amount so deposited to be invested by the Prothonotary and Senior Master in fixed deposit of any nationalised bank within a period of three years and the same to be renewed from time to time till further orders.

3. If the amount is paid as aforestated, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from the date of deposit. Affidavits, list of documents to be filed within

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four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

sd/-
